IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2840 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	¦ Mr.P.K.Hushing for the Petitioner. ¦ Mr.R.D.Rane AGP for State. ¦ Mrs.M.G.Kulkarni with ¦ Mrs.S.S.Deshmukh ¦ for Respondents Nos.1 to 4. ¦ ¦ **CORAM: D.K.DESHMUKH &** ¦ V.M.KANADE**, JJ.** ¦ **DATED:** 6TH DECEMBER, 2007

P.C.:

1. The Petitioner by this petition claims a direction to the University that the promotion which has been given to the Petitioner by order dated 29-6-2006 with effect from 30-6-1997 should be given from 1994.

2. Perusal of the order dated 29-6-2006 shows that it has been issued on the basis of the recommendation made by the

Grievances committee. Perusal of the recommendation of the Grievances Committee shows that there were vacancies to be filled in by appointing candidates belonging to Backward Class in 1994. In 1994 the University did not find any candidate suitable from the Backward Class for appointment against reserved category and therefore, according to the Government Resolution temporarily persons belonging to the open category were promoted. Their promotions were continued for three years. In 1997, the candidates from the reserved category were appointed, but the Petitioner was not appointed and therefore the Grievances Committee recommended that the Petitioner should be promoted with effect from 30-6-1997. Accordingly, the University promoted the Petitioner with effect from 30-6-1997.

3. Firstly, there is no challenge to the order made by the Grievances Committee. Secondly, we find that as the suitable candidates from the Backward class were not available

for the reserved posts, as per the Government Resolution temporary promotions were given to the candidates from the open category, therefore, the Grievances committee rightly directed that the promotion to the Petitioner cannot be given from 1994. We do not find any substance in the petition. It is rejected.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)